

REMARKS

In the Final Office Action, the Examiner allowed claims 1, 4-7 and 11, objected to claims 22, 23 and 25, and rejected claims 2-3, 8-10, 12-21, 24 and 26-33. Applicant has amended claims 20, 26 and 31, canceled claims 2-3, 8-10, 12-19, 24, and 27-30. Applicant respectfully submits that no new matter has been introduced by these amendments or additions to the claims.

Applicant now earnestly solicits your withdrawal of the rejections and your issuance of formal notification of the allowability of all claims as now presented, in light of the above amendments and the remarks that follow.

A. Interview Summary

Applicant wishes to express its appreciation for the participation of the Examiner, Mr. Anthony D. Barfield, in a telephone interview on June 16, 2008, with Applicant's representative. Applicant and Mr. Barfield discussed pending claims 20-33 in relation to U.S. Patent No. 5,364,166 (Zeeger). Applicant and Mr. Barfield reached an agreement regarding the patentability of independent claims 20, 26 and 31, and Applicant was encouraged to submit amendments to these claims. Specifically, Mr. Barfield agreed that the Zeeger reference does not disclose two substantially parallel bars each having a first end pivotably mounted to the armrest and a second end pivotably engaged with the back support, thus indicating that § 102(b) rejections of independent claims 20, 26 and 31, and dependent claims 21-25, and 32-33 should be removed.

Upon conclusion of the interview, Applicant and Mr. Barfield agreed that Applicant will submit amendments and remarks responding to the present Office Action and the noted Examiner Interview. Mr. Barfield indicated that he will reconsider the merits of these claims, as amended.

B. 35 U.S.C. § 102 - Zeeger

The Examiner rejected claims 20-21, 26-27, 31-33 under § 102(b) as anticipated by Zeeger. Zeeger discloses a sun-bathing armrest for a chair 20 having an adjustable back support 21, an arm support 40 and its securement device, adjustable mounting bracket 41. *See* Zeeger, col. 2, ll. 31-39, 61-63. The forward ends of arm support 40 have a pivotally connected adjustable support 42. *Id.*, col. 3, ll. 4-8. The adjustable arm support members 42 are elongated extendedly to engage with the ground such that the arms 40 are not merely cantilevered to relieve load on the mounting bracket 41. *Id.*, col. 3, ll. 15-19. The arm support 40 can be adjusted to any laterally extending angle. *Id.*, col. 3, ll. 30-34. The arm support 40 further comprises an arm 55 and a support post 60. *Id.*, col. 3, l. 46 – col. 4, l. 10; Fig. 5. The arm 55 engages the adjustable mounting bracket 41 for attachment to the back support 21. *Id.* The support post 60, which may comprise two telescoping parts 61, 66, pivotably attaches to the arm support 40 such that support post 60 can be pivoted downward to engage the ground at pad 67, which is also pivotably mounted to the end of support post 60. *Id.* Although support post 60 is supported within armrest 40 by bifurcations 72, 73, which act as spring fingers to retain the post 60 in a stowed position (col. 4, ll. 27-31), support post 60 does not attach to or engage the back support 21 or the adjustable mounting bracket 41.

Zeeger further discloses the adjustable mounting bracket 41 as adjustable both horizontally and vertically about the axis of chair member 22, and adjustable through the angle θ . *Id.*, col. 4, ll.40-42. Detent apertures 85 and detent ball 87, urged by spring 88 in bore 89, cooperate to adjust mounting bracket 41 in the horizontal plane about the axis of chair member 22. *Id.*, col. 4, l. 43-col. 5, l. 3. Clamp 93 mounted on the lower end of bushing 80 is useful for adjusting the vertical position of the mounting bracket 41 on member 22 of the seat back. *Id.* Lever arm 103, in connection with shaft 95, threads or unthreads end 96 from threaded bore 97, to engage or release facing surfaces 98, 100. *Id.*, col. 5, ll. 4-16. When released, arm rest support tube 55 can be adjusted to an angle θ and surfaces 98, 100 re-engaged to lock the arm rest support tube 55 into a selected position of angular adjustment. *Id.* Zeeger does not disclose support arm 60 adjustably engaged with the back support 21 or the adjustable mounting bracket 41.

Independent claims 20, 26 and 31 require at least two substantially parallel bars, each parallel bar comprising a first end and a second end, the first end pivotably mounted to the armrest, and the second end pivotably engaged with the back support or the chair. Zeeger does not disclose two substantially parallel bars each with a first end pivotably mounted to the armrest. Support tube 55 is not pivotably mounted to the armrest 40, and moves with the armrest 40 as it travels through its angular adjustment. Further, Zeeger does not disclose two substantially parallel bars each with a second end pivotably engaged with the armrest. Support post 60 pivotably mounts to the support tube 55 in order to pivot to a perpendicular position engage armrest with the ground. Zeeger does not disclose pivotably engaging support post 60 with the back support 21 or the adjustable mounting

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bracket 41. Because an element of the claims, namely, the second end of the substantially parallel bars pivotably engaged with the back support or the chair, are not disclosed, Zeeger cannot anticipate claims 20, 26 or 31.

In light of these remarks, Applicant requests that the Examiner remove the §102(b) rejection of claims 20, 26 and 31 based upon Zeeger. Claims 22, 23, 25 were objected to as being dependent upon rejected claim 36; therefore, Applicant also requests that the Examiner remove this objection to claims 22, 23, and 25.

CONCLUSION

Applicant believes that the application is now in a condition for allowance. Applicant respectfully requests that the Examiner reconsider the rejections made in light of the amendments and remarks presented herein, and that the remaining claims be allowed. The undersigned asks that the Examiner contact her at (225) 248-2124 if he has any questions so that early allowance may be reached.

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Respectfully submitted,



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